

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36535 of 2020**

Arising Out of PS. Case No.-116 Year-2019 Thana- NAYAGAON District- Saran

Sandeep Kumar, aged approx 30 years, Male, son of Sri Roopjitan Sah @  
Roopjitan Prasad, resident of Village- Bariyarchak, P.S.- Nayagaon, District  
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
For the State : Mr. Anant Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 23-09-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Anant Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Nayagaon PS Case No. 116 of 2019 dated 19.08.2019, instituted under Sections 304-B and 201/34 of the Indian Penal Code.

4. The allegation against the petitioner, who is the husband of the daughter of the informant, is that he had killed his wife and had also done away with evidence.

5. Learned counsel for the petitioner submitted that during investigation it has come that the daughter of the



informant had run away, as letter to this effect has been found by the police. It was submitted that the dead body has not been recovered. He submitted that the petitioner having clean antecedent is a simple man working in Patna whereas the incident is said to have taken place in the district of Saran.

6. On the aforesaid stand of learned counsel for the petitioner, the Court had asked learned APP to obtain the up-to-date legible photo copy of the entire case diary of Nayagaon PS Case No. 116 of 2019 from the Superintendent of Police, Saran, and later a report from the Forensic Science Laboratory with regard to whether the letter found to have been written by the wife of the petitioner was actually in her handwriting. Today, learned APP has forwarded the report of the Superintendent of Police, Saran, including the opinion of the police laboratory/CID, Bihar, with regard to handwriting of the letter recovered stating that the wife of the petitioner had herself gone away. The report stated that it was in the same handwriting as that of the other such writings of the wife of the petitioner, which have been forwarded for comparison i.e., both the disputed and specimen writings have been found to be of one and the same person. Learned counsel for the petitioner submitted that the informant has also filed compromise petition



stating that the case has been filed due to misconception and that even the witnesses during police investigation have stated that the wife of the petitioner herself had gone away.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of what has come during investigation as also the comparison of the letter said to have been written by the victim that she herself was leaving the house and the writing having been found to be of her after comparison of the specimen writings, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Chapra, Saran, in Nayagaon PS Case No. 116 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate with the Court and police/prosecution. Failure to co-operate shall lead to



cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

J. Alam/-

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